the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and in other cases the costs shall not be paid before the expiration of one month from the date of the order.]

CHAPTER XLIII.

OF THE DISPOSAL OF PROPERTY.

Order for custody and disposal of property pending trial in certain cases.

[1][**516A.** When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and if the property is subject to speedy or natural decay, [2][or if it is otherwise expedient so to do, the Court] may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.]

Order for disposal of property regarding which offence committed.

517. (*1*) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal [3][by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise] of any property or document produced before it or in its custody or regarding which any offence appears to have committed, or which has been used for the commission of any offence.

(*2*) When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

[4][(*3*) When an order is made under this section such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (*4*), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

(*4*) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (*1*) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.]

Explanation.—In this section the term "property" includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

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[1] Inserted by Act 18 of 1923, s. 141.
[2] Inserted by Act 26 of 1955, s. 102.
[3] Inserted by Act 18 of 1923, s. 142.
[4] Inserted by s. 142, *ibid.*

Order may take form of reference to District or Sub-divisional Magistrate.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Order may take form of reference to [2][*Presidency, District or Sub-divisional Magistrate*].

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered [1][*in Greater Bombay, to a Presidency Magistrate specially empowered by the State Government and elsewhere, to the District Magistrate or a Sub-divisional Magistrate*] who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

519. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under section 517, 518 or 519.

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

Destruction of libellous and other matter.

521. (*1*) On a conviction under the Indian Penal Code, section 292, section 293 section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted. XLV of 1860

(*2*) The Court may, in like manner, on a conviction under the Indian Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed. XLV of 1860

Power to restore possession of immoveable property.

522. (*1*) Whenever a person is convicted of an offence attended by criminal force [3][or show of force or by criminal intimidation] and it appears to the Court that by such force [3][or show of force or criminal intimidation] any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, [3][when convicting such person or at any time within one month from the date of the conviction] order [4][the person dispossessed] to be restored to the possession of the same.

(*2*) No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

[3][(*3*) An order under this section may be made by any Court of appeal, confirmation, reference or revision.]

Procedure by police upon seizure of property taken under section 51 or stolen.

523. (*1*) The seizure by any police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal such property or the delivery of such property to the person entitled to the

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[1] Substituted by Bom. 34 of 1953, s. 9 (*1*), for "to the District Magistrate or to a Sub-divisional Magistrate".

[2] Substituted, *ibid.*, s. 9 (*2*), for "District or Sub-divisional Magistrate".

[3] Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 143.

[4] Substituted by s. 143, *ibid.*, for "such person".

possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

(*2*) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation. Procedure where owner of property seized unknown.

524. (*1*) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the State Government and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate, or of a Magistrate of the first Class empowered by the State Government in this behalf. Procedure where no claimant appears within six months.

524. (*1*) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shallbe at the disposal, of the [1][[2][State] Government] and may be sold under the orders of the Presidency Magistrate, District Magistrate, or Sub-divisional Magistrate, or [3][*of an Executive Magistrate*]empowered by the [4][[2][State] Government] in this behalf. Procedure where no claimant appears within six months.

(*2*) In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

525. If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, [5][or if the Magistrate] to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, [6][or that the value of such property is less than ten rupees] the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale. Power to sell perishable property.

CHAPTER XLIV.

Of the Transfer of Criminal Cases.

526. (*1*) Whenever it is made to appear to the High Court:—

(*a*) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses, or

High Court may transfer case or itself try it.

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[1] Substituted by the A. O. 1937 for "Govt.".
[2] Substituted by the A. O. 1950 for "Provincial".
[3] Substituted by Bom. 23 of 1951, s. 2 and Sch. Pt. I, for "of a Magistrate of the first class".
[4] Substituted by the A. O. 1937 for "L. G.".
[5] Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 144, for "or the Magistrate".
[6] Inserted by s. 144, *ibid.*